

Pauley, T

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Southern District of New York
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES RUSSO,

Plaintiff,

- against -

MP222 LLC, 222 EAST 95th STREET
OWNERS CORP., COMMISSIONER OF SOCIAL
SERVICES OF THE CITY OF NEW YORK, NEW
YORK STATE DEPARTMENT OF TAXATION
AND FINANCE, NEW YORK CITY DEPARTMENT
OF FINANCE, MERRILL LYNCH CREDIT
CORPORATION and the INTERNAL REVENUE
SERVICE OF THE UNITED STATES OF AMERICA,

Defendants.

UNITED STATES OF AMERICA,

Counterclaim, Crossclaim
and Third-Party Plaintiff,

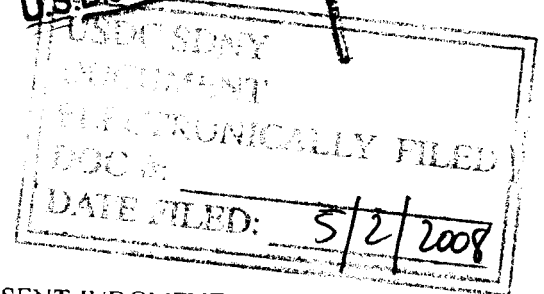
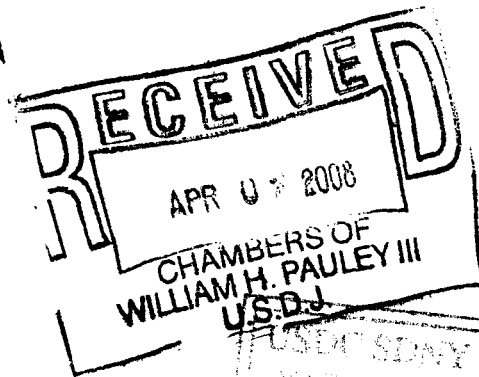
- against -

JAMES RUSSO,

Counterclaim Defendant.

-and-

MP222 LLC, 222 EAST 95th STREET
OWNERS CORP., COMMISSIONER OF SOCIAL



CONSENT JUDGMENT
THIRD-PARTY DEFENDANT
JAMES A. RUSSO

07 Civ. 5469 (WHP)

SERVICES OF THE CITY OF NEW YORK, NEW
YORK STATE DEPARTMENT OF TAXATION
AND FINANCE, NEW YORK CITY DEPARTMENT
OF FINANCE, MERRILL LYNCH CREDIT
CORPORATION,

Crossclaim Defendants,

and

JAMES A. RUSSO, JOHN DOES NOS. 1-10 and
JANE DOES NOS. 1-10,

Third-Party Defendants.

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WHEREAS, this action was commenced by plaintiff James Russo ("Russo") by Order to Show Cause dated May 21, 2007, in the Supreme Court of the State of New York, County of New York, seeking, inter alia, a declaratory judgment determining the ownership and judgments of record for the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York (the "Units") in connection with a proposed sale of the Units;

WHEREAS, this action was removed to the United States District Court for the Southern District of New York by the defendant United States of America (the "United States" or the "Government") on June 8, 2007; and

WHEREAS, on July 23, 2007, the United States filed an answer, counterclaim, crossclaim, and third-party complaint (the "Third-Party Complaint"), seeking, inter alia, a judgment against third-party defendant James A. Russo ("J. A. Russo") for unpaid federal income taxes (calculated as of March 12, 2008) as follows:

<u>Tax Period</u>	<u>Date of Assessment</u>	<u>Amount of Assessment</u>
1997	December 19, 2005	\$ 16,736.12
1999	January 9, 2006	\$ 45,171.86
2000	November 28, 2005	\$171,847.00
2001	December 5, 2005	\$165,560.80
2002	February 6, 2006	\$246,656.48
2003	November 29, 2004	\$121,943.07
2004	February 13, 2006	\$268,833.29

and seeking a judgment against J. A. Russo for trust fund recovery penalties (calculated as to March 12, 2008) as follows:

<u>Tax Period</u>	<u>Date of Assessment</u>	<u>Amount of Assessment</u>
September 2003	July 17, 2006	\$23,444.69
December 2003	July 17, 2006	\$20,051.02
March 2004	July 17, 2006	\$14,330.76
June 2004	July 17, 2006	\$17,520.25
December 2004	July 17, 2006	\$22,143.56

and;

WHEREAS, there are additional assessments for trust recovery penalties (calculated as to March 12, 2008) as follows:

<u>Tax Period</u>	<u>Date of Assessment</u>	<u>Amount of Assessment</u>
September 2001	February 19, 2007	\$ 5,116.12
December 2005	February 19, 2007	\$28,143.56

NOW, on the signed consent of the attorney for the United States and J. A. Russo it is hereby

ORDERED, ADJUDGED and DECREED that the United States have judgment against J. A. Russo in the amount of \$1,168,229.19, with interest from the date of judgment provided by law and that plaintiff have execution therefor, and it is further

ORDERED, ADJUDGED and DECREED, that the United States shall apply any

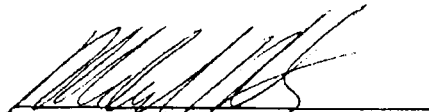
payments made toward the judgment first to the portion of the judgment representing trust fund recovery penalties (oldest period assessed first).

Agreed and Consented to:

Dated: New York, New York

March, 2008

April 3,



MICHAEL KATZ, ESQ.

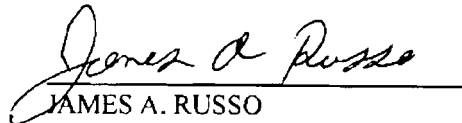
Attorney for James A. Russo

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JAMES A. RUSSO

Third-Party Defendant

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Southern District of New York

Attorney for the United States

of America

By:



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Telephone No.: (212) 637-2710

So Ordered:



UNITED STATES DISTRICT COURT JUDGE

William H. Pauley III

4/23/2008